

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WADD SULIMAN for U H (a minor),
Plaintiff,

05-CV-0610E(Sc)

-vs-

ORDER

JO ANNE B. BARNHART,
Commissioner of Social Security,
Defendant.

The Honorable Hugh B. Scott, a Magistrate Judge in this judicial district, having conducted all proceedings necessary to determine the merits of factual and legal issues presented in this matter pursuant to this Court's referral under 28 U.S.C. §636(b)(1)(B), and having on August 18, 2006 filed his Report and Recommendation concerning such and no objection thereto having been made, it is hereby

ORDERED that said Report and Recommendation is fully confirmed, that defendant's motion for judgment on the pleadings is denied, that the plaintiff's motion for similar relief is granted and that the decision of the Commissioner is reversed and this matter is remanded to the Commissioner of Social Security for further administrative proceedings.

DATED: Buffalo, N.Y.
September 13, 2006

/s/ *John T. Elvin*

JOHN T. ELFVIN
S.U.S.D.J.